

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

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|-------------------------------|---|---------------------------------|
| -----X |) | |
| AFFINITY LIVING GROUP, LLC, |) | |
| and CHARLES E. TREFZGER, JR., |) | Civil Action No.: 1:18-cv-00035 |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | |
| |) | STIPULATION OF VOLUNTARY |
| STARSTONE SPECIALTY |) | DISMISSAL WITHOUT PREJUDICE |
| INSURANCE COMPANY, and |) | |
| HOMELAND INSURANCE |) | |
| COMPANY OF NEW YORK, |) | |
| |) | |
| Defendants. |) | |
| -----X | | |

IT IS HEREBY STIPULATED AND AGREED, by and among Plaintiffs and Defendant StarStone Specialty Insurance Company, that Counts III and IV of the Second Amended Complaint are dismissed without prejudice and without costs.

IT IS FURTHER STIPULATED AND AGREED that any amendment to Counts III and IV of the Second Amended Complaint cannot revive the claims in this case, in consequence of the Court's dismissal on summary judgment of Counts I and II, and this action has therefore been finally resolved on the merits.

GOLDBERG SEGALLA
*Attorneys for Defendant StarStone
Specialty Insurance Company*

WALDREP LLP
*Attorneys for Plaintiffs Affinity Living
Group and Charles E. Trefzger, Jr.*

By: Martha P. Brown
Martha P. Brown (NC Bar # 20063)

By: Thomas W. Waldrep, Jr.
Thomas W. Waldrep, Jr. (NC Bar # 11135)

CERTIFICATE OF SERVICE

I, Thomas W. Waldrep, Jr., hereby certify that service of the attached **STIPULATION OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE** was made on today's date upon all counsel who have registered as Filing Users in this matter, in accordance with Local Rule 5.3(b)(2), by transmitting the papers to the Electronic Filing System.

This the 14th day of November, 2018

WALDREP LLP

*/s/ Thomas W. Waldrep, Jr.*_____

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